

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



21839

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 10/342,203 filed on January 15, 2003, for CONTROL OF ARTHROPODS IN ANIMALS, by the following named inventor(s):

- (a) Full Name Scot Kevin HUBER
- (b) Full Name Yves RIBEILL
- (c) Full Name Susan Marie McCOMB
- (d) Full Name Michael James MALASKA
- (e) Full Name David Teh-Wei CHOU
- (f) Full Name Adalberto Perez DE LEON

- ☐ Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.
- ☐ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

- ☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

- [] Applicant(s) suggests Figure _ for inclusion on the front page of the patent application publication and/or patent.
- [X] Applicant(s) requests that the published application include the following assignment information: Aventis CropScience, S.A., Lyon, France 69263.
1. [] Enclosed is a copy of the prior Application No. _ as originally filed on __, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
 2. [X] Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
 3. [] Small entity status is hereby claimed.
 4. [X] The filing fee is calculated below [] and in accordance with the enclosed preliminary amendment:

CLAIMS					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$750.00 (1001)
Total Claims	20	MINUS 20 =	0	× \$18.00 (1202) =	\$0.00
Independent Claims	3	MINUS 3 =	0	× \$84.00 (1201) =	\$0.00
If multiple dependent claims are presented, add \$280.00 (1203)					\$0.00
Total Application Fee					\$750.00
If small entity status is claimed, subtract 50% of Total Application Fee					\$0.00
Add Assignment Recording Fee of \$ _if Assignment document is enclosed					\$0.00
TOTAL APPLICATION FEE DUE					\$ 750.00.

5. [] This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
6. [] Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
7. [X] A check in the amount of \$ 750.00 is enclosed for the fee due.
8. [X] The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

9. ☐ Cancel in this application original claims _ of the prior application before calculating the filing fee.
10. ☐ New drawings are enclosed.
11. ☒ Domestic Priority of Provisional Application No. 60/111,857 filed on December 11, 1998 and Provisional Application No. 60/140,680 filed on June 24, 1999 in the United States (country) is claimed under 35 U.S.C. § 119.
- ☒ The certified copy of the priority applications
- ☐ is enclosed.
- ☐ was filed on _ in prior Application No. _, filed on __, and acknowledged by the Examiner on _ in Paper No. _.
- ☒ U.S. Provisional Application Nos. 60/111,857 and 60/140,680 are not required.
- ☐ has not yet been filed.
12. ☐ Please amend the specification by inserting before the first line the sentence:
- ☐ --This application is a ☐ continuation ☐ divisional of Application No. __, filed on __.--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. __, filed on __, which was a national stage filing under 35 U.S.C. § 371 of International Application No. _ filed on __.--.
- ☐ --This application is a ☐ continuation ☐ divisional of U.S. Application No. __, filed on __, which was a continuation of International Application No. __, filed on __.--.
13. ☐ A preliminary amendment is enclosed.
14. ☒ An Information Disclosure Statement, IDS Transmittal Letter, Form PTO-1449 (3 sheets), and copies of the ISR and IPER issued in connection with applicants' corresponding PCT application are enclosed.
15. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
16. ☒ Also enclosed is a Letter Accompanying the Filing of a Divisional Application Under 37 C.F.R. §1.53(b).

17. [X] The power of attorney in the prior application is to all partners of BURNS, DOANE, SWECKER & MATHIS, L.L.P., and Mary Katherine Baumeister, Reg. No. 26,254.
- a. [X] The power appears in the original papers in the prior application.
 - b. [] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
 - c. [] Recognize as Associate Attorney .
 - d. [X] Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: July 3, 2003

By: Mary Katherine Baumeister
Mary Katherine Baumeister
Registration No. 26,254

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

[] inventor(s)
[] assignee of complete interest
[X] attorney or agent of record
[] filed under 37 C.F.R. § 1.34(a)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	
)	
Scot Kevin HUBER et al)	Group Art Unit: 1626
)	
Application No.:)	Examiner: Robert W. Ramsuer
)	
Filed: July 3, 2003)	Confirmation No.:
)	
For: CONTROL OF ARTHROPODS IN)	37 C.F.R. §1.53(b) Divisional of
ANIMALS)	Application No. 10/342,203,
)	filed January 15, 2003, now allowed
)	

LETTER ACCOMPANYING FILING OF DIVISIONAL APPLICATION
UNDER 37 C.F.R. §1.53(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This divisional application is being filed with a revised specification and claims. No new matter has been added.

The specification has been revised to include a complete cross-reference to the earlier applications and to comply with current rules of practice.

The claims have been revised to exclude subject matter specifically claimed in the great-grandparent, now U.S. Patent No. 6,160,002, in the grandparent, now U.S. Patent No. 6,631,501 B1, and in the allowed claims of parent Appln. No. 10/342,203. The present claims are restricted to the compounds of formula (XX) in which R₂₀₄ is -N(R₂₀₅)C(O)aryl, their compositions and method of use, subject matter which has been cancelled from the claims of predecessor applications in compliance with restriction requirements therein. The present claims do not overlap with those granted or allowed in the great-grandparent, grandparent and parent. Support for the present claims can be located in the parent application, for example, in parent Claims 16, 65-74, 84, 130-134 and 138-140.

An early favorable Action on the merits is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: Mary Katherine Baumeister
Mary Katherine Baumeister
Registration No. 26,254

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: July 3, 2003